

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Orin Snyder
Direct: +1 212.351.2400
Fax: +1 212.351.6335
OSnyder@gibsondunn.com

April 12, 2018

VIA ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Blink Health Ltd. v. Hippo Technologies LLC, Case No. 18 CV 2258 (PKC)

Dear Judge Castel:

We represent Blink Health Ltd. (“Blink”) in this action and respectfully submit this letter in response to Defendant’s April 10, 2018 letter (ECF No. 23), which requests expedited oral argument on Defendant’s motion to compel arbitration and stay this case (ECF Nos. 20–22). Specifically, Defendant requests a hearing during the week of April 30, just days after its April 27 deadline to file a reply brief.

Before filing the letter request, Defendant’s counsel did not contact me or my colleagues to inquire about the availability of Blink’s counsel for argument on those dates. Had counsel inquired, I would have informed them that I am required to be in California for a long-scheduled two-day mediation for another client before a former federal judge during the week of April 30. We are now forced to burden Your Honor with this letter to object to Defendant’s unilateral scheduling request in order to preserve our client’s right to representation at a motion hearing by the lead counsel of its choice.

In any event, there are no exigent circumstances warranting an expedited hearing on a routine motion to compel arbitration and stay the case. Defendant’s own conduct belies any such circumstances. Defendant delayed more than two weeks after service of the Complaint (ECF No. 11) before filing its pre-motion letter (ECF No. 16). In the interim, Defendant drafted, and filed with the American Arbitration Association (“AAA”), a demand for arbitration seeking relief for conduct expressly permitted by the litigation privilege. Defendant now cites that very AAA filing as purported support for its motion to compel.

Blink therefore respectfully requests that the Court deny Defendant’s request and instead schedule oral argument according to the Court’s established protocol for such motions.

The preliminary conference in this case is scheduled for May 14, 2018 (ECF No. 8).

Honorable P. Kevin Castel
April 12, 2018
Page 2

We thank the Court for its kind consideration.

Respectfully submitted,

/s/ Orin Snyder
Orin Snyder

cc: All Counsel of Record (via ECF)